

REMARKS

This is a full and timely response to the nonfinal Office Action of September 23, 2005.

Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Response, claims 1-23 are pending in this application. Claims 6 and 8 have been amended. The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims. Applicant believes that no new matter has been added and that a new search is not necessary.

CLAIMS

Claim Rejections

Claims 6 and 8 have been amended to overcome their respective rejections, and therefore the rejections should be withdrawn.

Claim 1

Claim 1 is rejected under 35 U.S.C. §102(b) as purportedly being anticipated independently by Shick et al. (U.S. Patent 6,121,340) and Jacobine et al. (U.S. Patent 5,167,882). Amended claim 1 reads as follows:

1. A polymer composition, comprising:
a photodefinable polymer including *a sacrificial polymer* and a photoinitiator.

(Emphasis added). Applicants traverse each of the §102 rejections in the Office Action and submit that the rejection of claim 1 under 35 U.S.C. §102 (b) in view of each Shick and Jacobine, should

be withdrawn because neither reference discloses, teaches, or suggests each and every feature of claim 1 above. As stated in MPEP 2131, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." In this regard, Shick and Jacobine do not, individually or in combination, disclose, teach, or suggest "a sacrificial polymer" as referenced in claim 1. Neither Shick nor Jacobine reference the word "sacrificial" anywhere in each respective disclosure. Thus, Shick and Jacobine do not, individually or in combination, disclose, teach, or suggest, at least the limitations highlighted above in claim 1, and therefore, the rejection of claim 1 should be withdrawn. Further, if the Examiner does not deem these arguments persuasive, Applicants respectfully request the Examiner specifically state where in Shick and Jacobine a "sacrificial" polymer is described and discussed.

Claims 2-10

Applicant traverses each of the §102 rejections in the Office Action. Applicants respectfully submit that pending dependent claims 2-10 include every feature of independent claim 1 and that Shick and Jacobine each fail to disclose, teach, or suggest, individually or in combination, at least the features of claim 1 highlighted hereinabove. Thus, pending dependent claims 2-10 are also allowable over the prior art of record. In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 11

Claim 11 is rejected under 35 U.S.C. §102(b) as purportedly being anticipated independently by Shick et al. (U.S. Patent 6,121,340) and Jacobine et al. (U.S. Patent 5,167,882).

Amended claim 11 reads as follows:

11. A method for fabricating a structure, comprising:
 - disposing a photodefinable polymer composition onto a surface, wherein the photodefinable polymer includes ***a sacrificial polymer*** and a photoinitiator selected from a negative tone photoinitiator and a positive tone photoinitiator;
 - disposing a gray scale photomask onto the photodefinable polymer, wherein the gray scale photomask encodes an optical density profile defining a three-dimensional structure to be formed from the photodefinable polymer;
 - exposing the photodefinable polymer through the gray scale photomask to optical energy; and
 - removing portions of the photodefinable polymer to form the three-dimensional structure of cross-linked photodefinable polymer.

(Emphasis added). Applicants traverse each of the §102 rejections in the Office Action and submit that the rejection of claim 1 under 35 U.S.C. §102 (b) in view of each Shick and Jacobine, should be withdrawn because neither reference discloses, teaches, or suggests each and every feature of claim 11 above. As stated in MPEP 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” In this regard, Shick and Jacobine do not, individually or in combination, disclose, teach, or suggest “a sacrificial polymer” as referenced in claim 11. Neither Shick nor Jacobine reference the word “sacrificial” anywhere in each respective disclosure. Thus, Shick and Jacobine do not, individually or in combination, disclose, teach, or suggest, at least the limitations highlighted above in claim 11, and therefore, the rejection of claim 11 should be withdrawn. Further, if the Examiner does not deem these arguments persuasive, Applicants respectfully request

the Examiner specifically state where in Shick and Jacobine a "sacrificial" polymer is described and discussed.

Claims 12-22

Applicant traverses each of the §102 rejections in the Office Action. Applicants respectfully submit that pending dependent claims 12-22 include every feature of independent claim 11 and that Shick and Jacobine each fail to disclose, teach, or suggest, individually or in combination, at least the features of claim 11 highlighted hereinabove. Thus, pending dependent claims 12-22 are also allowable over the prior art of record.

Conclusion

Applicant respectfully requests that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. B. Linder", written over a horizontal line.

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